

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHELLE AUMANTADO DE GUZMAN  
AND EDWARD V. DE GUZMAN,

No. C 09-03566 WHA

Plaintiffs,

v.

**ORDER DISMISSING CASE AND  
EXPUNGING LIS PENDENS**

GREENPOINT MORTGAGE FUNDING,  
INC., GMAC MORTGAGE GROUP LLC,  
GMAC MORTGAGE LLC and Does 1–10

Defendants.

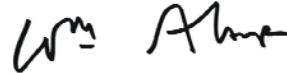
Plaintiffs brought this action asserting claims relating to a mortgage loan they obtained from defendants including alleged violations of the Truth in Lending Act, the Real Estate Settlement Procedures Act, breach of the duty of good faith and fair dealing, fraud and intentional infliction of emotional distress. Defendants filed a motion to dismiss and to expunge *lis pendens*, which was scheduled for a hearing on October 29, 2009. Plaintiffs did not file an opposition by the deadline established by Civil Local Rule 7-3. In response to an order to show cause, plaintiffs' attorney declared that he mis-calendared the deadline for the opposition. An order dated October 14, 2009, vacated the hearing on the motion and extended the opposition deadline to October 22, 2009. The order warned that no further extensions would be granted without good cause shown. Yet again, the deadline has passed and plaintiffs have not responded.

As stated, plaintiffs have repeatedly failed to respond in a timely manner. Due to plaintiffs' failure to prosecute, the motion to dismiss is **GRANTED** as unopposed. The Notice of

Pendency of Action (*i.e.*, the *lins pendens*) recorded on June 11, 2009 in the Official Records of Alameda County, State of California as Document 2009184756, by plaintiffs against title to the real property commonly known as 2436255 Casey Court, Newark, California, APN: 092A-0776-039-00 shall be and is hereby **EXPUNGED**, and no undertaking is required.

**IT IS SO ORDERED.**

Dated: October 28, 2009.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE